

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARK COLLIGAN and LAURA COLLIGAN

PLAINTIFFS

V.

CIVIL ACTION NO. 1:07cv555-LTS-RHW

BANK OF AMERICA CORPORATION; BANK OF
AMERICA, N.A.; and FNIS FLOOD SERVICES, L.P.

DEFENDANTS

ORDER

This matter is before the Court on motions to dismiss by Defendants Bank of America Corporation and Bank of America, N.A. [48]; and by Defendant FNIS Flood Services, L. P. [47]. The respective motions to dismiss are commonly based on the theory that Plaintiffs have no private right of action against them under the federally-regulated flood insurance scheme.

In light of this Court's opinion in *Sutton v. Citimortgage, Inc., et al.*, No. 1:05cv706 (docket entry [37]); the Plaintiffs' [73] Third Amended Complaint; and the dismissal standards applicable to Fed. R. Civ. P. 12(b)(6), the Court believes that a complete development of the record is the most appropriate course for considering the issues raised by Defendants' pending motions. The Court emphasizes that it is not foreclosing consideration of a motion(s) for summary judgment following this process.

Accordingly, **IT IS ORDERED:**

The [48] Motion to Dismiss by Defendants Bank of America Corporation and Bank of America, N.A., is **DENIED**;

The [47] Motion to Dismiss by Defendant FNIS Flood Services, L.P., is **DENIED**;

SO ORDERED this the 2nd day of October, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE